IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

Crl.Rev.Pet.No. 1323 of 2007()

CRA.334/2003 of I ADDL. SESSIONS COURT, TRIVANDRUM
CC.141/1999 of JUDL. MAGISTRATE OF FIRST CLASS COURT-III, TRIVANDRUM

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REVN. PETITIONER: APPELLANT/ACCUSED.

MOHANAN, TC 16/838, MEMANA KATTAKKALIL,
NEAR JAGATHY UP SCHOOL, THIRUVANANTHAPURAM.

BY ADV. SRI.SUMAN CHAKRAVARTHY

RESPONDENTS: RESPONDENT/COMPLAINANT AND STATE.

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1. PARAMANADAN, TC 16/835,
MEMANA KATTAKKALIL, NEAR JAGATHY UP SCHOOL,
THIRUVANANTHAPURAM.

2. STATE OF KERALA, REPRESENTED BY ITS
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 26/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

CRL.R.P.No.1323 of 2007

Dated this the 26th day of March, 2007

ORDER

Revision petitioner is the accused, who stands convicted for the offence under Section 506(i) IPC and sentenced to pay a fine of Rs.2,000/- and in default, to undergo simple imprisonment for four days. It is also ordered that the fine amount, if realised, shall be paid to the complainant as compensation under Section 357 of the Code of Criminal Procedure.

2. The prosecution case is that on 4.7.1998, at about 11.30 a.m. while PW1 was conducting sale of lottery tickets in his mobile unit near Vazhuthakadu junction, the accused abused him and attempted to attack him. He was charge sheeted for the offences punishable under Sections 394(b) and 506(1) of Indian Penal Code. The evidence adduced in the matter consisted the testimony of PWs' 1 to 3. The proceedings were initiated on a private complaint. The accused was found guilty for the offence under Section 506(1) of IPC and he was acquitted for the offence under Section 294(b) of IPC.

3. On a consideration of the judgments of the courts below, which are concurrent, I find no reasons to interfere as the findings are supported by proper reasons. The evidence of PW1, the complainant was convincing. It appears to be that the matter is connected with the allegation that the complainant trespassed into the purampoke land and the accused being one among the neighbouring property owners had complained about the matter and the Taluk Surveryor had inspected the property and the complainant obstructed the Taluk Surveyor. The accused and the complainant are neighbours. In the circumstances, the conviction is confirmed. The sentence is reduced to pay a fine of Rs.1,000/- with the same default clause and the direction to pay the compensation amount.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl